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9 **UNITED STATES BANKRUPTCY COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 Santa Rosa Division

12 In re

13 PG&E CORPORATION

14 - and -

15 PACIFIC GAS & ELECTRIC
16 COMPANY

17 Reorganized Debtors

Case No. 19-30088
(jointly administered)

Chapter 11

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21 ***EX PARTE* APPLICATION TO ENLARGE TIME**

22 **(Re: Objection to Claim No. 58462; Dkt # 11388)**
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1 TO: THE HONORABLE DENNIS MONTALI
2 UNITED STATES BANKRUPTCY JUDGE

3 The *Ex Parte* Application of Spiro Jannings to enlarge time by vacating the Objection Response
4 Date and Objection Hearing Date respecting his Claim No. 58462; see, Dkt #11388; pending the Court's
5 ruling on his Motion to Dismiss and Abstain; Dkt #11753; respectfully represents as follows:
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7 **II. RELEVANT FACTS**

8 1. On August 24, 2017, Spiro Jannings ("Spiro") filed a lawsuit in the Santa Clara County
9 Superior Court (the "State Lawsuit") asserting damages for wrongful termination against PG&E. Spiro
10 asserted no federal claims for relief, and there was no apparent basis on which federal jurisdiction over
11 the State Lawsuit could have been asserted. According to PG&E, "[t]he case was litigated for over a
12 year, during which time the Parties exchanged documentary evidence" and Spiro was deposed.
13 Objection, 9:20-22, Dkt #11388.

14 2. On January 29, 2019, PG&E filed a voluntary petition for reorganization under
15 Chapter 11 of the Bankruptcy Code. Spiro recognized that the bankruptcy filing resulted in an
16 automatic stay preventing further prosecution of the State Lawsuit. Spiro duly filed a timely Proof of
17 Claim..

18 3. On June 20, 2020, the Court confirmed PG&E's Plan of Reorganization. Under PG&E's
19 Plan, Spiro's claim was "unimpaired."

20 4. On October 8, 2021, PG&E filed an Objection to Spiro's claim. The Objection asserted
21 exclusively State law defenses and challenges. See generally, Objection; Dkt #11388.

22 5. On October 23, 2021, Spiro's undersigned bankruptcy counsel approached PG&E to
23 request additional time to respond to the Objection and, more fundamentally, to request that PG&E
24 agree that the Bankruptcy Court abstain from the dispute and remand it to the Superior Court (the
25 "Abstention Request"). PG&E continued the hearing on the Objection to claim and agreed to consider
26 the Abstention Request.
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1 6. On December 6, 2021, Spiro followed up on the Abstention Request. On December 7,
2 2021, PG&E rejected the Abstention Request, asserting that the resolution of Spiro's Claim was within
3 the core jurisdiction of the Court.

4 7. On December 28, 2021, Spiro filed his Motion to Dismiss and Abstain; Dkt # 11753 (the
5 "Abstention Motion").

6 8. On December 28, 2021, Spiro solicited PG&E's agreement to a briefing schedule which
7 would permit the Court to rule on the Abstention Motion before substantive briefing on the Objection to
8 Claim. On December 29, 2021, PG&E declined that request and asserted that the Objection Response
9 Deadline (January 4, 2022) and the Objection Hearing Date (January 18, 2022) (collectively, the
10 "Objection Dates") would be unchanged.

11 9. Clearly, it will prejudice Spiro if the Court considers the merits of the Objection before it
12 considers his potentially meritorious Abstention Motion.

13 10. In addition, Spiro is a claimant of modest means, and it would prejudice him to expend
14 fees responding to the Objection on the merits if that effort proved unnecessary as a result of a grant of
15 his Abstention Motion.

16 11. PG&E has asserted no prejudice, and it is believed that PG&E would suffer no prejudice,
17 if the Objection Dates were vacated pending a ruling on the Abstention Motion.

18 19 **II. RELIEF REQUESTED**

20 Spiro prays that the Court:

21 1. Set the Abstention Motion for hearing on its next regular PG&E calendar on February 2,
22 2022; and

23 2. Vacate the Objection Dates, subject to being reset after the Court rules on the Abstention
24 Motion.

1 **III. LEGAL AUTHORITY**

2 The request to vacate the Objection Dates may appropriately be analyzed as a request for an
3 enlargement of time. Federal Rule of Bankruptcy Procedure 9006(b) provides that “when an act is
4 required or allowed to be done at or within a specified period by these rules or by a notice given
5 thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or
6 without motion or notice order the period enlarged if the request therefor is made before the expiration
7 of the period originally prescribed or as extended...” This Application is presented before the first of
8 the Objection Dates.

9 Rule 9006(b) and B.L.R. 9006-1(c), provide that the Court may alter and enlarge time upon a
10 showing of good cause therefor. Spiro respectfully submits that there is good cause to enlarge time by
11 vacating the Objection Dates so that his Abstention Motion may be ruled upon before there are further
12 proceedings on the Objection to his Claim.

13 In compliance with B.L.R. 9006-1(c), WASF presents the following:

14 (a) The reason for the requested enlarged time. If the Abstention Motion is granted, all
15 further proceedings respecting Spiro’s Claim will take place in the Superior Court administering his
16 State Lawsuit. It is appropriate and in the interests of the efficient and economical prosecution of justice
17 to provide for a resolution of the Abstention Motion before substantive proceedings on the Objection to
18 Claim.

19 (b) Previous time modifications relating to subject matter request. As related in the
20 accompanying Declaration, there was a prior consensual deferral of the Objection Dates. There have
21 been no prior requests for time modifications to the Court by Spiro.

22 (c) The effect of the request for enlarged time. As noted, Spiro will suffer material prejudice if
23 the requested relief is not granted. PG&E has not identified any prejudice it would suffer if the
24 requested relief is granted.

25 (d) Efforts to obtain stipulation. The accompanying Declaration presents Spiro’s counsel’s
26 efforts to obtain PG&E’s consent to the relief requested.

27 WHEREFORE, Applicant prays that the Court make and enter its Order Enlarging Time by
28 setting the Abstention Motion for hearing on February 2, 2022 and vacating the Objection Dates pending

1 the Court's ruling on that Abstention Motion, all in the form attached hereto, and granting such other
2 and further relief as may be just and proper.

3 DATED: December 30, 2021

Respectfully submitted,

ST. JAMES LAW, P.C.

6 By: /s/ Michael St. James.

7 Michael St. James

8 Bankruptcy Counsel for Spiro Jannings
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20 **ORDER GRANTING *EX PARTE* APPLICATION TO ENLARGE TIME**

21 **(Re: Objection to Claim No. 58462; Dkt # 11388)**
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23 Upon consideration of the *Ex Parte* Application of Spiro Jannings for an Order Enlarging Time,
24 and good cause therefor appearing,

25 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:
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27 1. Under the circumstances, parties in interest have received adequate notice and an opportunity
28 to be heard.

1 2. The Application be, and it hereby is, granted.

2 3. The Motion to Dismiss and Abstain; Dkt #11753; be, and it hereby is, set for hearing on
3 February 2, 2022 at 10:00 a.m.

4 4. The Objection Response Deadline and the Hearing on the Objection to Claim No. 58462; Dkt
5 #11388; be, and they hereby are, vacated, pending the Court's ruling on the Motion to Dismiss and
6 Abstain.
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8 * * * END OF ORDER * * *

Court's Service List

All persons entitled to notice of entry of this Order are ECF registered